

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harold Rodriguez	Team: Squad #3	CCRB Case #: 201410132	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/03/2014 11:53 PM	Location of Incident: [REDACTED]	Precinct: 46	18 Mo. SOL 3/3/2016	EO SOL 3/3/2016	
Date/Time CV Reported Thu, 10/02/2014 4:04 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 10/02/2014 4:04 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Derrick Kreckmann	26021	954032	PSA 8
2. POF Jammie Martinez	05956	954101	PSA 7

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Keven Martinez	24795	954102	PSA 7
2. SGT Vallison Isaac	01647	940828	REC TNG
3. POM Daniel Kern	9634	954999	PBBX
4. POM Jamir Navarro	8507	955251	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.POM Derrick Kreckmann	Abuse: PO Derrick Kreckmann stopped § 87(2)(b)	[REDACTED]
B.POF Jammie Martinez	Abuse: PO Jammie Martinez stopped § 87(2)(b)	[REDACTED]
C.POM Derrick Kreckmann	Force: PO Derrick Kreckmann pointed his gun at § 87(2)(b)	[REDACTED]
D.POF Jammie Martinez	Force: PO Jammie Martinez pointed her gun at § 87(2)(b)	[REDACTED]
E.POM Derrick Kreckmann	Discourtesy: PO Derrick Kreckmann spoke rudely to § 87(2)(b)	[REDACTED]
F.POM Derrick Kreckmann	Force: PO Derrick Kreckmann used physical force against § 87(2)(b)	[REDACTED]
G.POF Jammie Martinez	Force: PO Jammie Martinez used physical force against § 87(2)(b)	[REDACTED]
H.POM Derrick Kreckmann	Abuse: PO Derrick Kreckmann threatened to arrest § 87(2)(b)	[REDACTED]

Case Summary

On September 3, 2014, at approximately 11:53 p.m., § 87(2)(b) walked down § 87(2)(b) in the Bronx and saw a van with its sliding door slightly open. § 87(2)(b) looked into the car to check if anyone was dead inside. He closed the door and the alarm went off, so § 87(2)(b) walked away. Around the § 87(2)(b) and § 87(2)(b) intersection, § 87(2)(b) was approached by PO Derrick Kreckmann and PO Jammie Martinez of the 46th Precinct with guns pointed (**Allegations A, B, C and D**). PO Kreckmann told § 87(2)(b) to, “Shut the fuck up and face the fucking wall” (**Allegation E**). § 87(2)(b) alleged that an unknown officer performed a leg sweep on him and took him to the ground. § 87(2)(b) was kicked and punched several times by PO Kreckmann and PO Martinez on the ground (**Allegation F and G**). § 87(2)(b) lost consciousness and awoke in the hospital. He was told by PO Kreckman that if he saw him in the future and had to find a reason to lock him up, he would (**Allegation H**).

Mediation, Civil and Criminal Histories

- This case was ineligible for mediation since § 87(2)(b) had plans set in motion for a lawsuit. However, as of February 13, 2015, he had not filed a notice of claim with the City of New York. § 87(2)(b) has no other criminal convictions in the last ten years.

Civilian and Officer CCRB Histories

- PO Kreckmann has been a member of service for two years and has no substantiated allegations against him (Encl. 1A-B).
- PO Martinez has been a member of service for two years and has no substantiated allegations against her (Encl. 1C).

Potential Issues

- § 87(2)(b) stated that acquaintances named § 87(2)(b) and § 87(2)(b) witnessed the incident but he did not have contact information for them other than their address. § 87(2)(b) was asked to give them the undersigned investigator’s business cards, post-interview. Two letters were sent to each at the same address via United States Postal Service and none were returned. LexisNexis and white pages searches yielded negative results for phone numbers and there were no additional numbers in CTS or previous arrests. Therefore they could not be interviewed for this case.

Findings and Recommendations

Explanation of Subject Officer Identification

- PO Kreckmann and PO Martinez acknowledged their interaction with § 87(2)(b)

Allegation A – Abuse of Authority: PO Derrick Kreckmann stopped § 87(2)(b)

Allegation B – Abuse of Authority: PO Jammie Martinez stopped § 87(2)(b)

§ 87(2)(b) stated that as he walked along § 87(2)(b) he saw a van that was parked and had the sliding door slightly open. § 87(2)(b) opened the door and looked inside to check if someone was dead inside. He locked the door and closed it. The van’s alarm went off, so he walked away from it. A few blocks later, he was stopped by PO Kreckmann and PO Martinez. PO Kreckmann and PO Martinez told him that there was a 911 call about someone breaking into a van. They told him the description provided over the radio and he admitted that the description matched him.

PO Kreckmann noted in his memo book that there was a radio run for a Hispanic male breaking into a van wearing a checkered shirt, dark jeans and was carrying a white t-shirt in hand. PO Kreckmann stated in his memo book and during his statement that § 87(2)(b) was observed on East 182nd Street and § 87(2)(b) going towards § 87(2)(b) and he matched the description provided over the radio. PO Jammie Martinez and PO Daniel Kern, who arrived later, also noted in their memo books that there was a radio run of a Hispanic male breaking into a van. Both PO Kreckmann and PO Martinez stated that § 87(2)(b) told them that he was in the van but was not breaking into it.

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation C – PO Derrick Kreckmann pointed his gun at § 87(2)(b)

Allegation D – PO Jammie Martinez pointed her gun at § 87(2)(b)

Allegation E – Discourtesy: PO Derrick Kreckmann spoke rudely to § 87(2)(b)

Allegation F – Force: PO Derrick Kreckmann used physical force against § 87(2)(b)

Allegation G – PO Jammie Martinez used physical force against § 87(2)(b)

§ 87(2)(b) stated that PO Kreckmann and PO Martinez approached him on the sidewalk with guns pointed. PO Kreckmann told him to, “shut the fuck up and face the fucking wall.” § 87(2)(b) faced the wall and as one of the officers tried to handcuff him, he kept twisting his body and turning around to ask why he was stopped. He alleged that seven additional officers arrived and one of the officers took him down to the ground. While he was on the ground, he was punched and kicked in the mid-section. § 87(2)(b) was inconsistent as to who punched and kicked him, he continuously changed his story throughout the interview as to whether seven officers hit him or if it was just PO Kreckmann and PO Martinez. He eventually settled on PO Kreckmann and PO Martinez as being the officers that punched and kicked him. Once on the floor, he complained that he had diabetes to the officers and wanted to go to the hospital. Once on the floor, he was handcuffed but did not see who did it. Two small ziplock bags were taken out of his jeans pockets and he told the officers that it was sheet rock, or specifically, “fake drugs.” He did not have an explanation for why he had this in his pocket. § 87(2)(b) was losing consciousness during the incident and eventually lost consciousness in the ambulance. He woke up in the hospital and was told he had a gash above his eye which required stitches.

PO Kreckmann and PO Martinez were consistent in stating that they approached § 87(2)(b) and they did not have their guns pointed or drawn. Neither PO Kreckmann nor PO Martinez told him to “shut the fuck up and face the fucking wall.” They were also consistent in stating that § 87(2)(b) appeared to be under the influence of a drug due to his pupils being dilated, the way he stiffened his body and waved his arms around. PO Kern arrived during § 87(2)(b)'s handcuffing. PO Kreckmann, PO Kern and PO Martinez consistently stated that § 87(2)(b) twisted his body, flailed his arms and was irate as they tried to handcuff him. No officer could recall how § 87(2)(b) was taken to the ground but they all stated that he was taken down and was handcuffed while on the ground. The officers were consistent in stating that they were the only three officers present during § 87(2)(b)'s handcuffing and additional officers did not arrive. No officer punched or kicked § 87(2)(b) was on the ground as he was handcuffed quickly. PO Kreckmann, PO Martinez and PO Kern all stated that § 87(2)(b)

admitted that he had taken marijuana and heroin that day. He did not have any injuries on his face and did not complain of any.

According to the ambulance call report, § 87(2)(b)'s chief complaint was that he had diabetes. It was noted that § 87(2)(b) told EMS at the stationhouse that he had just taken cocaine, and heroin. § 87(2)(b) had abrasions to the face and had no other obvious injuries and he did not complain of any. Once at the § 87(2)(b) Hospital, § 87(2)(b) told medical staff that he had smoked marijuana, and done heroin and cocaine on that day. He told medical staff that he had been doing drugs for the past three days and was hearing voices which told him to seek help, do bad things and be aggressive towards police officers. § 87(2)(b)

There was no mention of § 87(2)(b) receiving stitches for any of his abrasions. The records also noted that the abrasions were on his arms and chest.

§ 87(2)(b), § 87(2)(g)

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Allegation H – PO Derrick Kreckmann threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that when he awoke at § 87(2)(b) hospital, he spoke to PO Kreckmann. PO Kreckmann explained the radio run that he received and told § 87(2)(b) the description that was given. PO Kreckmann told him that if he sees him and has to find a reason to lock him up, he will.

PO Kreckmann stated in his interview that the statement sounded like something that is often said to people by him and other officers, but that he did not say that to § 87(2)(b) PO Martinez and PO Kern did not hear PO Kreckmann make any such statement to § 87(2)(b) Sgt. Isaac did not recall any details of the incident at the hospital. She only had noted in her memo book that she was at the hospital but did not recall the incident.

§ 87(2)(b), § 87(2)(g)

Pod: 3

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date